REMARKS

This Application has been reviewed in light of the Office Action mailed July 8, 2008. Claims 1, 3-8, 10-14 and 16-22 are pending in this Application. Claims 1, 3-8, 10-14 and 16-22 were rejected. Claims 1, 8, 14, and 22 have been amended. Claims 2, 9 and 15 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 101

Claims 8, 10-14, and 16-21 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants amend Claims 8 and 14 to overcome these rejections by including the claim limitation **tangible** and request full allowance of Claims 8, 10-14, and 16-21 as amended.

Rejections under 35 U.S.C. § 102

Claims 1, 3-5, 8, 10-12, 14, 16-18 and 21 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2007/0011283 by Kenneth Edgar Brown et al. ("*Brown*"). Applicants respectfully traverse and submit that *Brown* does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that *Brown* cannot anticipate the rejected Claims because *Brown* does not show all the elements of the present Claims.

Claims 1, 8, and 14 Are Allowable Over Brown

Amended Independent Claim 1 recites, among other limitations:

in response to the user input, <u>automatically testing an interconnection among the plurality of devices in the network</u>;

<u>if the tested interconnection is inactive, generating a message that identifies the inactive interconnection;</u>

in response to the user input, automatically communicating with one or more of the devices in the network and discovering attributes of the one or more devices; and

<u>if one of the one or more devices is inactive, recording a device access failure for the inactive device.</u>

None of the cited references disclose, teach, or suggest these limitations.

On the other hand, the current application discloses:

That management information may include software attributes, as well as hardware attributes. For example, if polling a switch, a component validation module may retrieve a revision level for one or more firmware modules in the switch, as well as data indicating which ports in the switch are connect[ed] to other devices (12:14-19); and

If a device is inactive, validation engine 90 records device access failure (14:1-2).

For at least these reasons, Claim 1 is allowable over *Brown*. Because Claims 8 and 14, as currently amended, include similar limitations, they are likewise allowable. Further, because Claims 3-7 depend from allowable Claim 1, Claims 10-13 depend from allowable Claim 8, and Claims 16-20 depend from allowable Claim 14, they are likewise allowable. Applicants request reconsideration and allowable of Claims 1, 3-8, 10-14, and 16-20.

Rejections under 35 U.S.C. §103

Claims 6, 7, 13, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 7,133,906 issued to Chuck Price et al. ("*Price*"). These rejections are moot given that Claims 6 and 7 depend from allowable Claim 1, Claim 13 depends from allowable Claim 8, and Claims 19 and 20 depend from allowable Claim 14.

Claim 22 is Allowable Over the Cited References

Claim 22 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Brown* in view of U.S. Patent Application Publication No. 2003/0061323 by Kenneth H. East et al. ("*East*"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Amended Independent Claim 22 recites, among other limitations:

> in response to the user input, automatically discovering attributes of one or more interconnections among the plurality of devices in the network;

> automatically comparing the discovered interconnection attributes with a predefined set of valid interconnection attributes; and

> generating output data that indicates whether the discovered interconnection attributes match the valid interconnection attributes.

None of the cited references teach these limitations.

On the other hand, the current application discloses:

> However, within the validation process, validation engine 90 may also determine whether SAN 10 conforms to specific hardware interconnect rules. For example, there may be a limit to the number of servers that are supported in a network. Alternatively, certain hardware components may not operate correctly when used in the same network. A network may also be constrained with respect to cable types (e.g., optical vs. copper) for certain interconnections, network zoning, and connection restrictions (e.g., either policy or physical limits). These are all examples of some different types of hardware interconnect rules that may be included in XML validation rules 82 and verified by validation engine 90 to determine whether SAN 10, or a specific device or connection in SAN 10, is valid (15:13-27).

For at least this reason, Claim 22 as amended is allowable over the cited references.

Applicants request reconsideration and allowance of Claim 22.
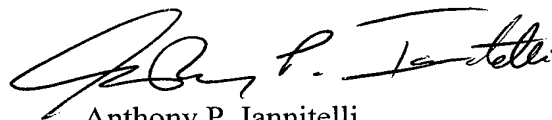
CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have made an earnest effort to place this case in condition for examination and allowance. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1, 3-8, 10-14 and 16-22.

Applicant encloses a Petition for Extension of Time for two months and authorizes the Commissioner to charge the amount of $490 to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicant believes no additional fees are due, however the Commissioner is hereby authorized to charge any additional fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P in order to effectuate this filing.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2642.

Respectfully submitted,
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Date: Dec 8, 2008

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